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UNITED STATES GOVERNMENT

Memorandum

2399 R

TO : CA - Miss Barbara Watson

DATE: January 31, 1979

THRU: CA/OCS - Mr. Alan A. Gise

FROM : CA/OCS/CCS - Lois M. Day

SUBJECT: Briefing on Disposal of Remains of Jonestown Deceased

I. QUESTION: What plans have been made regarding disposition of the remains of the unclaimed and unidentified Guyana deceased?

The Department believes that transportation and burial of the remains is a private family matter and the responsibility of the next-of-kin. It is recognized, however, that there will be a number of bodies that will be either unclaimed by next-of-kin or unidentified. In these cases it seems the U.S. Government will bear the ultimate responsibility for disposing of the remains.

Various options have been considered including:

A. BURIAL AT SEA

At first glance, burial at sea appears to be an attractive option. It obviates the need to find a site or sites in the U.S. and eliminates the possibility of difficult negotiations with state officials. In addition, costs would be relatively low and legal requirements are not complex. Preliminary discussions with the Coast Guard indicate that it would probably be cooperative and might carry out the task on a non-reimbursable basis.

There are, however, several serious disadvantages. Chief among these is the fact that bodies buried at sea are beyond recovery. This might, in individual cases, prove to be a serious drawback, as identification data from each body will be stored in a computer and records maintained by the unit in charge of identifications, the Armed Forces Institute of Pathology. Thus, relatives at a future date could submit newly-found identification data and conceivably disinter a buried, newly-identified body if burial on land were the option chosen.

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Similarly, if additional investigations of whatever kind (e.g. criminal investigations, inquiries concerning administration of estates, inquiries regarding insurance claims) necessitated a re-examination of the bodies it would not be possible if the bodies were buried at sea.

On a logistical level, the Coast Guard has stated that the large number of bodies, perhaps as many as 550, would exceed the capacity of the relatively small vessels which they operate, thus making necessary a number of separate operations. Federal law requires that the bodies be buried in at least 600 feet of water which, on the East Coast, would preclude burial at distances less than 100 miles from shore. Finally, one can easily envision strenuous objections to such a large scale burial at sea from enviromental and fishing interests. Such protests could be international in nature.

B. Cremation

Cremation is advantageous because of its relatively inexpensive costs, roughly $125-$200. It has the added advantage of avoiding the need to find a gravesite.

Again, however, one must confront the problem of the irrevocabilty of this means of disposition. This constitutes a substantial disadvantage since it is difficult to predict what additional claims or further investigation might arise. Finally, it must be recognized that some persons will view cremation as "destruction of evidence." Moreover, cremation of the bodies might arouse adverse public opinion since approximately one-half of the bodies will be children. The Environmental Protection Agency would have to be consulted regarding cremation.

However, it has been agreed at high legal levels of the Department that with adequate and proper notice to next-of-kin or other legal representatives (registered-return receipt requested letters) the unclaimed bodies could be cremated.

C. BURIAL AT A SITE OR SITES IN THE UNITED STATES

This course of action unfortunately necessitates additional and often difficult negotiations with state and local officials concerning both political and legal issues involved in burial. In addition, the costs may be substantial unless a donor of land and/or services can be found.

By pursuing this option, however, the Department preserves its capacity to correct errors or oversights which may have occurred in notifying next-of-kin and related matters. As the most conventional means of disposing of bodies burial is the option most likely to receive widespread public acceptance. Also, by committing itself to land burials of the deceased, the Department will avoid the serious pitfalls, described above, which are inherent in burial at sea and cremation.

An agreement has been made among Department officials that the unidentified bodies should be buried.

Finally, a written offer of inexpensive transporation and burial has been received from Pennsylvania ($135.00). An oral offer has been received from the established Neptune Society of California. The Society has offered to transport the unidentified bodies to California and bury them there free of charge.

II. QUESTION: What discussions have taken place between the Department and officials of various states concerning disposition of the bodies?

A. Delaware

913 bodies were removed from Guyana to Dover Air Force Base, Delaware. It became immediately apparent that the financial resources of many of the next-of-kin were not substantial and many families lost more than one relative in the Jonestown tragedy. It was anticipated that the next-of-kin might wish to bury or cremate in Delaware

in order to avoid the costs of transporting the bodies elsewhere for final disposition. Logic therefore dictated that the option to bury or cremate in Delaware be vigorously pursued.

Discussions ensued with several Delaware officials including Governor Pierre du Pont.

Governor du Pont has insisted that no "mass burial" occur in Delaware. We have agreed with Governor du Pont. However, "mass burial" has never been defined. During one meeting, Governor du Pont acknowledged that he did not personally see how Delaware could deny a request by a next-of-kin for burial in Delaware.

Agreement has been reached concerning the necessary legal documentation for a body to be transported through Delaware for burial or cremation elsewhere. However, on the question of burials and cremation in Delaware, the Delaware authorities have insisted upon having the opportunity to review the Guyana coroner's report before making any commitment concerning whether the death certificates being prepared by the Guyana authorities will satisfy Delaware law on burials and cremations.

B. Pennsylvania

As an adjoining state to Delaware, Pennsylvania's legal requirements for burials and cremations are actively being studied. Pennsylvania is also the site of a cemetery that has submitted the lowest written proposal.

Telephone conversations with the Pennsylvania State Registrar and the Department of Justice indicate that the documentation we furnished for their review will be sufficient under Pennsylvania law to bury or cremate bodies there. We expect written confirmation from these officials within a week.

C. Virginia

Virginia is also being actively considered because we have received several written/oral proposals from cemeteries in this state.

Telephone conversations with the Virginia Attorney General's Office indicate that the documentation we furnished for their review will be sufficient under Virginia law to bury or cremate bodies there. We expect written confirmation from Virginia within a week.

D. New Jersey

A number of next-of-kin have requested cremation in New Jersey. A death certificate must be presented before a burial or cremation permit may be obtained in that state. Discussions with the appropriate member of the New Jersey Attorney General's Office resulted in production of a satisfactory packet of documents to serve in lieu of Guyanese Death Certificates until these could be obtained. Under this agreement cremations are now occurring in New Jersey. Moreover, death certificates are now being received from Guyana and New Jersey has found them acceptable for cremation purposes. New Jersey officials have stated that burial or cremation of the unclaimed or unidentified might be possible there and they have promised to send a memorandum of New Jersey law regarding cremations and burials.

E. West Virginia

A cemetery in West Virginia made a relatively low-cost offer for burial. An oral conversation with a member of the West Virginia Attorney General's Office indicated that the state's legal requirements for burial or cremation could be easily satisfied by the Department at this time. However, several high-ranking politicians have reacted negatively to the idea of burial or cremation in the state.

F. Maryland

The Maryland-Delaware border lies only fifteen miles west of Dover. Several offers for burial of Jonestown deceased have been received from Maryland cemeteries.

However, the Department has heretofore refrained from inquiring of Maryland officials concerning burial or cremation in that state because of the recent change in administration. Such an inquiry will take place shortly.

Mr. David Shinn, Deputy Coordinator, Liaison with State and Local Governments has offered to contact state and local officials as appropriate.

III. QUESTION: Can the state of Delaware or any or any other public institution or private party undertake to assume all responsibilites connected with transporting the bodies to California?

There are no apparent legal impediments to such an undertaking. However, an institution willing to perform this task would have to assume all responsibilities and legal liability that could result from taking custody of the bodies, including signing an assumption of liability/release of liability statement.

Such an operation also presents other questions. Of course, any such private or public institution would have to assume responsibility for ascertaining whether burial/cremation could occur under the laws of the state of ultimate destination (either individually or as a group.) Storage and security, liaison with next-of-kin, disposition of the unclaimed and unidentified bodies, dealing with possible claims for reimbursement by next-of-kin who have already assumed the cost of transportation and demands by next-of-kin to provide transportation to states other than California (Not all of the relatives of the deceased reside in California or desire burial there), are only some of the problems that a private or public group might encounter if they assumed responsiblity ror and custody of the bodies.

A group known as the Emergency Relief Committee has appeared before the California Superior Court's dissolution proceeding for the People's Temple Corporation. This group has urged the Court to set aside funds for transportation and burial of the bodies. The Court has given the Committee thirty days to submit a plan on how this might be accompolished. The Emergency Relief Committee is composed of various groups in the San Francisco area including the Council of Churches and The Catholic Bishop of San Francisco.